

not be so construed as to prevent the locating and surveying of any lands that have not been heretofore located or surveyed, or settled on; adopted by the following vote:

Yeas: Messrs. Brashear, Burleson, Cooke, Davis, Gage, Grimes, Hart, Kinney, Latimer, McRae, Moffett, Parker, Portis, Taylor, Truit, Van Derlip, Ward, Walker and Wallace—19.

Nays—Messrs. Pease, Phillips and Robertson—3.

Mr. Wallace offered the following amendment: section 13th, in 4th line; strike out "and no surveys shall hereafter be made in the portion of country mentioned in this act;" adopted by the following vote:

Yeas: Messrs. Brashear, Burleson, Gage, Grimes, Hart, Latimer, McRae, Moffett, Parker, Portis, Truit, Ward, Walker and Wallace—14.

Nays: Messrs. Cooke, Davis, Kinney, Pease, Phillips, Robertson, Taylor and Van Derlip—8.

On motion of Mr. Grimes, the bill was laid on the table until Monday, the 4th inst.

On motion of Mr. Brashear, the Senate adjourned.

MONDAY, 9 o'clock, A. M., February 4, 1850.

The Senate was called to order by the President—Senators present: Messrs. Brashear, Burleson, Gage, Grimes, Hart, Latimer, McRae, Moffett, Parker, Pease, Portis, Taylor, Truit, Ward, Walker and Wallace.

The journals of Saturday were read and adopted.

Mr. Latimer, chairman of the committee on Public Lands, to whom a bill to prevent controversies originating from a conflict of patents emanating from the State of Texas; a bill requiring all persons filing on lands to have the same surveyed in a given time, and a bill for the relief of John Beeman, John S. Beeman, James J. Beeman and John N. Bryan, reported the same back to the Senate, without amendment, and recommended their passage.

Mr. Ward, from the committee on Enrolled Bills, made the following report:

COMMITTEE ROOM, Feb. 4th, 1850.

HON. JOHN A. GREER,

President of the Senate:

The following bills and resolutions were presented by the En-

rolling committee to the Governor for his examination on the 1st inst., viz :

An act to fix the price of land certificates to be issued by the Commissioner of the General Land Office ;

A joint resolution authorizing the Governor to subscribe for 250 copies of the 2d and 3d volumes of the decisions of the Supreme Court of this State ;

A joint resolution relative to the removal of obstructions to the navigation of Red River ;

A joint resolution authorizing the Comptroller to make a final settlement with the late public printer, for printing the laws and journals of the second Legislature ;

A joint resolution for the relief of Lieutenant Lansing, deceased ;

An act to provide for distributing the reports of the Supreme Court, the laws of the State and the journals of the Legislature.

Mr. Grimes offered the following resolution ;

Resolved, By the Senate, the House of Representatives concurring, that the committees on Contingent Expenses of the two Houses be instructed to act jointly in contracting with some suitable person to take charge of the capitol and furniture thereunto belonging, requiring the person contracting for the same to enter into bond with security, in the sum of \$500, for the safe-keeping of the capitol and furniture and return of the same to the proper officers at the meeting of the next Legislature ; Provided, that nothing herein contained shall authorize the incurring of any expense to the State for repairs on the capitol.

On motion of Mr. Parker, the rule was suspended and resolution adopted.

Mr. Grimes introduced a bill to amend an act to raise revenue by taxation ; read first time.

ORDERS OF THE DAY.

The following bills and joint resolutions were severally read a third time and passed, viz :

A bill for the relief of certain persons, formerly prisoners of war in Mexico ;

A bill to define the boundary line between Gonzales and Caldwell counties ;

A bill to amend an act to establish the judicial districts of the District Courts ;

A bill for the relief of Edward Miles ;

Joint resolution for the relief of John P. Rosier.

A bill to incorporate the Lafayette Academy in the city and county of Matagorda; read third time and passed by the following vote:

Yeas—Messrs. Brashear, Burleson, Gage, Grimes, Kinney, Latimer, McRae, Moffett, Parker, Pease, Phillips, Portis, Taylor, Truit, Van Derlip, Walker, Wallace and Ward—18.

Nay—Mr. Hart.

Joint resolution proposing an amendment to the constitution; read second time, and, on motion of Mr. Latimer, was referred to the committee on the Judiciary.

A message was received from the House of Representatives, informing the Senate that the House had passed the following bills originating in the Senate, viz:

A bill to establish the Marshall Railway company, with amendments;

A bill for the relief of David Lane, and the heirs of Henry L. Lane, deceased, with amendments;

A bill concerning passengers coming to the State of Texas;

A bill better defining the boundaries of Kaufman county;

A bill to incorporate the Brazos, San Bernard and Oyster creek Canal and Navigation company.

Also, a bill for the relief of the heirs and legal representatives of William Wallace, who fell at Goliad, with an amendment.

Also, that the House had adopted a joint resolution making provisions for the discharge of the public debt, as a substitute for the Senate's bill to provide for the liquidation of the public debt of the late Republic of Texas.

Also, the following bills originating in the House, viz:

A bill to incorporate the Buffalo Bayou, Brazos and Colorado Rail-Road company;

A bill declaring a portion of Caney Creek, in Matagorda county, a public highway, and providing for the removal of obstructions therein, with an amendment;

A bill for the relief of the heirs at law of Jesse Bledsoe, deceased, and

A bill to prescribe the time of holding the District Court in and for Montgomery county.

A bill to provide for the investigation of land titles in certain counties therein mentioned; read.

Mr. Phillips moved to amend the 1st section, by inserting after "commissioners," the following: "who shall hold their offices till the meeting of the next Legislature"; adopted, and bill passed to third reading.

Mr. Portis introduced a bill to provide for the registry of land titles and foreign instruments of writing; read first time.

On motion of Mr. Portis, the rule was suspended, bill read a second time and referred to the committee on the Judiciary.

Mr. Pease, chairman of the Select committee, to which was referred the petition of William B. Lewis, made the following report:

COMMITTEE ROOM, Feb. 4th, 1850.

Hon. JOHN A. GREER,

President of the Senate.

The Select committee, to which was referred the petition of William B. Lewis, have considered the same. It appears from the evidence submitted to the committee, that said Lewis and other friends of Texas, some time in the winter of 1836, became endorsers upon a note drawn by the escort sent by the Republic of Texas with Gen. Santa Anna to Washington City; that said note was drawn under the authority of the government of Texas, and has since been paid by said Lewis and others who were endorsers, and that the government of Texas has never refunded the amount to them. Your committee believe that justice requires said claim to be acknowledged and placed on the same footing as other debts against the late Republic, and they herewith report a bill for that purpose, which they recommend to the favorable consideration of the Senate.

A bill to authorize and require the Auditor and Comptroller to audit and allow as a valid claim against the Republic of Texas, a debt contracted to pay the expenses of the escort for Gen. Santa Anna from Texas to Washington city; read first time.

Mr. Pease, chairman of the committee on Internal Improvements, to whom was referred a bill to amend the second section of an act to authorize Charles Covington and his associates to establish a ferry across the river Yegua and construct a causeway across the bottom lands thereof, reported the same back to the Senate and recommended its passage.

Mr. Taylor, chairman of the committee on Roads, Bridges and Ferries, to whom was referred a bill granting to Isaac Dewees and Thomas M. Brown the privilege of establishing a ferry across the river Sabine, reported the same back to the Senate, with amendments, and recommended their adoption and the passage of the bill.

Amendments.

Amendment 1st. Add the following for the 5th section:

Section 5. *Be it further enacted*, That no other person during the said period of time aforesaid, shall be permitted to keep

a ferry across said river within five miles above and below that kept by said Brown and Dewees, pursuant to the provisions of this act.

Amendment 2d. Make the 5th the 6th section in the bill.

Joint resolution making provisions for the discharge of the public debt; read first time.

On motion of Mr. Pease, the rule was suspended and joint resolution read a second time.

On motion of Mr. Phillips, referred to the committee on State Affairs.

Mr. Robertson introduced a bill to prevent and to punish nefarious trading or traffic with Indians on the frontier of the State; read first time.

On motion of Mr. Robertson, the rule was suspended, bill read second time, and referred to the committee on Indian Affairs.

The Senate refused to concur in the amendments of the House to a bill to incorporate the Brazos, San Bernard and Oyster creek Canal and Navigation company.

A bill for the relief of Greenberry Logan and Joseph Taylor; read, and passed to third reading.

A bill for the relief of Melville Langham; read second time, and passed to third reading.

A bill for the relief of the heirs and legal representatives of Charles Martin, deceased, together with the report of the committee on Private Land Claims, offering an amendment, was read; amendment adopted, and bill passed to a third reading.

A bill for the relief of Jonathan Burleson; read, and passed to third reading.

A bill to define the time for holding the courts in the twelfth judicial district; read, and passed to third reading.

A bill to authorize and require the Commissioner of the General Land Office to issue patents to land on surveys made in Peters' colony, together with the report of the Special committee, offering amendments thereto, was read and amendments adopted, except first amendment to 1st section, which was rejected.

Mr. Van Derlip offered the following additional section:

Be it further enacted, That nothing in this act shall be so construed as to authorize the issuing of a patent where the same may conflict with a legal location heretofore made, whether the same be surveyed or not; adopted.

The yeas and nays were then called on the engrossment of the bill, and were as follows:

Yeas—Messrs. Burleson, Grimes and Portis—3.

Nays—Messrs. Brashear, Cooke, Hart, Latimer, McRae, Mof-

fett, Parker, Pease, Phillips, Taylor, Truit, Van Derlip, Walker, Wallace and Ward—15.

The Senate refused to engross the bill.

A message was received from the House, informing the Senate that the House refused to adopt the Senate's substitute for three several bills relative to judicial districts.

A bill to prevent locations in the colonies of Austin, DeWitt and DeLeon; read.

Mr. Ward offered the following amendment:

After "titled," in 3rd line, strike out to the words "and the commissioner," in the 4th line, and insert, "to actual colonists, citizens or settlers within the limits of the colonies of Austin, DeWitt and DeLeon; provided, the said titles were issued by commissioners of their respective colonies before the closing of the Land Office in November, 1835, to actual colonists, citizens or settlers, within the bounds of said colonies, and the land thus titled to be within the limits of the same."

Rejected by the following vote:

Yeas—Messrs. Brashear, Cooke, Hart, Latimer, Walker, Wallace and Ward—7.

Nays—Messrs. Burleson, Davis, Gage, Grimes, Kinney, McRae, Moffett, Parker, Pease, Phillips, Portis, Robertson, Taylor, Truit and Vanderlip—15.

Mr. McRae offered the following amendment:

Insert after the words "DeLeon" the following: "and the territory embraced in the twenty border leagues lying and situated in the counties of Sabine, Jasper, Newton, San Augustine, Nacogdoches and Rusk."

Mr. Wallace raised the question, that the Senate could not constitutionally entertain the bill.

Upon which the yeas and nays were called, and were as follows:

Yeas—Messrs. Cooke and Wallace—2.

Nays—Messrs. Brashear, Burleson, Davis, Gage, Grimes, Hart, Kinney, Latimer, McRae, Moffett, Parker, Pease, Phillips, Portis, Robertson, Taylor, Truit, Van Derlip, Walker and Ward—20.

So the Senate decided that the bill could be entertained.

The question then recurred on the amendment of Mr. McRae, which was rejected by the following vote:

Yeas—Messrs. Brashear, Cooke, Gage, McRae, Moffett, Parker, Taylor, Truit and Walker—9.

Nays—Messrs. Burleson, Davis, Grimes, Hart, Kinney, Latimer, Pease, Phillips, Portis, Robertson, Van Derlip, Wallace and Ward—13.

Mr. Cooke offered the following amendment:

"Provided, that this act shall not be so construed as to prevent any one from locating and surveying upon any lands supposed to be vacant within said colonies"; rejected.

The bill then passed to third reading.

A bill to create the office of State Translator; read third time.

The yeas and nays being called on the passage of the bill, were as follows:

Yeas—Messrs. Brashear, Davis, Kinney, Moffett, Portis, Robertson, Truit and Van Derlip—8.

Nays—Messrs. Burleson, Cooke, Gage, Grimes, Hart, Latimer, McRae, Parker, Taylor, Walker, Wallace and Ward—12.

So the Senate refused to pass the bill.

The Senate insisted on their substitute for three several bills relating to judicial districts, and Messrs. Wallace, Gage, Parker, Latimer and McRae were appointed a committee of Conference on said bill.

On motion of Mr. Pease, the Senate refused to concur in the amendments of the House to a bill for the relief of the heirs and legal representatives of William Wallace, who fell at Goliad.

A bill to authorize the county of Harris to levy and collect a special tax, not to exceed one half the State tax of said county; read, and passed to third reading.

On motion of Mr. Kinney, the Senate adjourned until half-past 2 o'clock, p. m.

2½ O'CLOCK, P. M.

The Senate met—roll called—quorum present.

Mr. Gage, chairman of the committee on Privileges and Elections, to whom was referred a bill to provide for the election of a Judge and District Attorney for the 12th judicial district, reported the same back to the Senate and recommended its passage.

Mr. Latimer, chairman of the committee on Public Lands, reported back to the Senate for their action, a bill authorizing Bartlett Simms to raise a location therein named, and relocate the same on any vacant land.

Mr. Gage, chairman of the committee on County Boundaries, to whom was referred a bill more permanently locating the seat of justice of Grayson county, reported the same back to the Senate and recommended its passage.

Mr. Wallace introduced a bill to amend so much of an act to define the time for holding the district courts in the 5th, 6th and

8th judicial districts, approved March 18th, 1848, as relates to the 5th judicial district; read first time.

On motion of Mr. Wallace, the rule was suspended, bill read second time and referred to a Select committee.

Messrs. Wallace, McRae and Truit were appointed said committee.

Mr. Ward, from the committee on Enrolled Bills made the following report :

COMMITTEE ROOM, Feb. 4th, 1850.

Hon. JOHN A. GREER,

President of the Senate :

The committee on Enrolled Bills have examined the following and find them correctly enrolled :

A bill for the relief of Frederic Scranton ;

A joint resolution for the relief of Jacob Albright ;

An act to authorize the Commissioner of the General Land Office to issue a head-right certificate to Guy M. Bryan ;

An act authorizing Mrs. Julia Stanton to take the guardianship of her son, William Ewing Stanton.

Mr. Taylor, from the committee on Engrossed Bills, reported as correctly Engrossed a bill supplementary to an act to secure to the German Emigration company and their colonists the lands to which they are entitled, and to adjust the liabilities of said company, approved Jan. 21, 1850.

A bill requiring the commissioners appointed by an act creating the county of Cherokee, approved April 11th, 1846, to deliver up certain documents and moneys therein mentioned, together with the report of the committee on Finance, offering an amendment thereto, was read; amendment adopted, and bill passed to third reading.

A bill to extend the provisions of an act to provide for ascertaining the debt of the late Republic of Texas, approved March 20, 1848, together with the report of the committee on Finance, offering an amendment, was read; amendment adopted, and bill passed to third reading.

A bill to create the county of Uvalde; read, and passed to a third reading.

A bill to incorporate the town of Marshall, together with the report of the committee on the Judiciary, offering an amendment, was read; amendment adopted, and bill passed to third reading.

A bill to incorporate the Guadalupe Bridge company; read, and passed to third reading.

A bill to amend an act to establish the Galveston and Red River Railway company, together with the report of the committee

on Internal Improvements, offering amendments thereto, was read ; amendments adopted, and bill ordered to be engrossed.

The report of the committee on the Judiciary, recommending that a bill to amend an act to regulate the time of holding the courts in the fourth judicial district, approved March 15, 1848, be laid on the table, was read and adopted.

A bill to regulate the courts and the times of holding the same in the fourth judicial district, together with the report of the committee on the Judiciary, offering amendments thereto, was read, and amendments adopted.

Mr. Phillips moved to amend, by striking out in the last line in the second section, the words "until the business is disposed of," and inserting the words "one week"; adopted, and bill passed to third reading.

On motion of Mr. Van Derlip, the rule was suspended, bill read third time and passed.

Joint resolution for the relief of A. H. Cook ; read and ordered to be engrossed.

A bill to incorporate the town of Livingston, together with the report of the committee on the Judiciary, offering a substitute therefor, was read and substitute adopted ; bill ordered to be engrossed.

On motion of Mr. Moffett, the rule was suspended, bill read third time and passed by the following vote :

Yeas—Messrs. Brashear, Burleson, Cooke, Grimes, Hart, Kinney, Latimer, McRae, Moffett, Parker, Phillips, Portis, Taylor, Truit, Van Derlip, Walker, Wallace and Ward—18.

Nays—None.

A bill for the relief of the persons taken prisoners by the Mexican army at San Antonio, together with the report of the committee on Finance, offering an amendment thereto, was read ; amendment adopted, and bill passed to third reading.

On motion of Mr. Van Derlip, the rule was suspended, bill read third time and passed.

On motion of Mr. Phillips, a bill for the relief of John R. Baker was taken up and read.

On motion of Mr. Robertson, the bill was amended by striking out "par" before claim. The bill then passed to third reading.

A bill for the relief of Wm. McMasters, late Sheriff of Brazoria county, together with the report of the Select committee, offering an amendment thereto, was read and amendment adopted.

Mr. Pease offered the following amendment :

"And shall pay all the costs of the suit that has been commenced against him"; adopted.

The yeas and nays were then called on the passage of the bill to a third reading, and were as follows :

Yeas—Messrs. Brashear, Davis, Hart, Latimer, Moffett, Pease, Phillips, Portis and Robertson—9.

Nays—Messrs. Burleson, Grimes, McRae, Parker, Taylor, Truit, Van Derlip and Wallace—8.

Bill passed to third reading.

A message was received from the House, informing the Senate that the House had passed the following bills, viz :

A bill to amend an act for the incorporation of the city of Laredo, and a bill to incorporate the Hart's Creek Turnpike company.

The Senate concurred in the amendments of the House to a bill for the relief of David Lane and the heirs of Henry L. Lane, deceased.

A bill for the relief of the heirs of Mrs. Isham Tooke ; read and ordered to be engrossed.

On motion of Mr. Portis, the resolution of the Senate appropriating \$28 to M. B. Irwin to pay for the hire of a porter from the 5th day of November, to the 3rd day of December, 1849, was taken up, read and adopted by the following vote :

Yeas—Messrs. Brashear, Davis, Latimer, Moffett, Parker, Pease, Portis, Robertson, Taylor, Truit, Van Derlip and Walker—12.

Nays—Messrs. Burleson, Grimes, McRae, Ward and Wallace—5.

A bill for the relief of the heirs of Jesse Bledsoe ; read first time.

On motion of Mr. Robertson, the rule was suspended ; bill read second time, and referred to the committee on Private Land Claims.

A bill declaring a portion of Caney Creek, in Matagorda county, a public highway, and providing for the removal of the obstructions therein ; read first time.

On motion of Mr. Pease, the rule was suspended, bill read second time and referred to the committee on Internal Improvements.

The following bills from the House were severally read first time, viz :

A bill to incorporate the Hart's creek Turnpike company ;

A bill to amend an act for the incorporation of the city of Laredo ;

A bill to prescribe the time of holding the district court in and for Montgomery county; and

A bill to incorporate the Buffalo Bayou, Brazos and Colorado Rail-Road company.

On motion of Mr. Brashear, the Senate adjourned.

TUESDAY, 9 o'clock, A. M. February 5th, 1850.

The Senate was called to order by the President—Senators present: Messrs. Brashear, Burleson, Cooke, Gage, Grimes, Hart, Kinney, Latimer, McRae, Moffett, Parker, Phillips, Portis, Robertson, Taylor, Truit, Van Derlip, Ward, Walker and Wallace.

The Journals of yesterday were read and adopted.

Mr. Wallace made the following report:

COMMITTEE ROOM, Feb. 5th, 1850.

Hon. JOHN A. GREER,

President of the Senate:

The committee of Conference upon the several bills, and substitute of the Senate therefor, to organize the Judicial districts therein referred to; after deliberating upon them, unanimously instructed us to recommend that Marion county be detached from the ninth district, and that no other change be made.

With the above amendments, the committee recommend the adoption of the substitute, and that the original bills be laid on the table.

B. RUSH WALLACE,

Chairman on part of Senate.

B. P. SMITH.

Chairman on part of House.

Mr. Robertson, chairman of the Select committee, to whom was referred joint resolution concerning frontier protection; reported a substitute for the same, and recommended its adoption and passage.

Mr. Robertson, chairman of the committee on Private Land Claims, to whom was referred a bill for the relief of the heirs at law of Jesse Bledsoe; reported the same back to the Senate, and recommended its passage.

Mr. Ward, from the committee on Enrolled Bills, made the following report: